

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS, AMARILLO DIVISION**

AMARILLO AREA TRANSGENDER
ADVOCACY GROUP,

Plaintiff,

v.

CITY OF CANYON, TEXAS,

Defendant.

Civil Action No.: 2:24-cv-00199

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Amarillo Area Transgender Advocacy Group (“AATAG”), by and through its undersigned attorneys, brings this Complaint against the City of Canyon, Texas (“the City”) for violating its First Amendment rights, and in support thereof states the following:

INTRODUCTION

1. AATAG brings this action to remedy the City’s flagrant and ongoing violations of AATAG’s constitutional right to free speech and expression.

2. AATAG is a nonprofit organization whose mission is to support, empower, and celebrate the LGBTQ¹ community in the Texas Panhandle.²

3. Since 2022, AATAG has hosted annual events in a public park in Canyon, Texas to celebrate the local LGBTQ+ community. AATAG’s annual celebrations—well attended by

¹ “LGBTQ+” is an “acronym for ‘lesbian, gay, bisexual, transgender and queer’ with a ‘+’ sign to recognize the limitless sexual orientations and gender identities.” *See Glossary of Terms*, HUMAN RTS. CAMPAIGN (May 31, 2023), <https://www.hrc.org/resources/glossary-of-terms> [<https://perma.cc/FM9B-4UE9>].

² The Texas Panhandle comprises the northernmost twenty-six counties of the state of Texas, an area of approximately 25,610-square miles. *See generally Panhandle*, HANDBOOK OF TEXAS (2003).

people of all ages—have featured vendors, egg hunts, and family-friendly drag shows. Hosting events at public venues in Canyon is vital to AATAG’s mission of supporting the LGBTQ+ community and promoting acceptance.

4. Although AATAG’s events enjoy widespread community support, not everyone in the Panhandle appreciates the organization’s message of inclusion. The efforts of certain community members to silence AATAG through intimidation have failed. Anti-LGBTQ+ protestors attempted to silence AATAG at its first annual event in Canyon (“the 2022 Celebration”) by physically blocking AATAG’s access to the park, heckling performers and attendees, and confronting organizers. But AATAG refused to let those disruptions stop the celebration. At the event the following year (“the 2023 Celebration”), only a single protestor appeared. That lone protestor’s attempts to silence AATAG likewise failed.

5. AATAG’s past events at the public park in Canyon were safe, wholesome, and fun. The Amarillo Health Department was on site to provide first aid and free vaccines. No injuries were reported. Law enforcement officers did not issue any warnings or make any arrests.

6. With two successful events in Canyon under its belt, AATAG expected its third annual event would go off without a hitch. AATAG scheduled the 2024 event for March 30, promoting it as the “Transgender Day of Visibility Celebration” (“the 2024 Celebration”).³ As in previous years, AATAG intended the 2024 Celebration to support the local LGBTQ+ community with family-friendly activities and expressions of joy, affirmation, and belonging.

³ AATAG’s 2024 Celebration was scheduled to take place the day before the International Transgender Day of Visibility, which has been internationally observed on March 31 since 2010. *See generally Transgender Day of Visibility*, GLAAD.ORG, <https://glaad.org/tdov> [<https://perma.cc/4V6L-6GXD>].

And as in previous years, AATAG intended to host the event in Canyon's Paul Lindsey Park ("the Park").

7. AATAG applied to the City for a special event permit on February 5, 2024, following the same permit-application process it had successfully followed in previous years. In response to AATAG's inquiries, City officials indicated the permit was forthcoming.

8. However, on February 14, 2024, AATAG received a letter from City Manager Joseph Price denying AATAG's permit application. According to the letter, the City, acting "[a]t the direction of the City Commission," denied the permit based on purported "public safety issues" and "lewd behavior" at the 2023 Celebration. *See* Ex. A (Letter Denying AATAG Application for Special Event Permit (Feb. 14, 2024)).

9. The City's accusations of "public safety issues" and "lewd behavior," which AATAG first learned about through the denial letter, are entirely unfounded. Extensive video recordings of the 2023 Celebration show that there were no such issues.

10. AATAG appealed the permit denial to City Manager Price that day and for several days afterward, asking for clarification regarding the false, unsupported accusations raised in the denial letter. Price refused to answer any questions. The City thereby deprived AATAG of any opportunity to respond or correct the record by preventing AATAG from explaining to City officials the family-friendly nature of its planned 2024 Celebration. Instead, the City doubled down on its discriminatory denial, refused to consider any terms on which AATAG's event could go forward, and effectively banished AATAG from Canyon's public spaces.

11. The City's denial of AATAG's event-permit application for the 2024 Celebration, and its blanket refusal to consider granting *any* event permit to AATAG, violated and continue to violate AATAG's First Amendment rights.

12. AATAG now brings this action to vindicate its right to freedom of speech, freedom of expression, and freedom of association under the United States Constitution.

JURISDICTION AND VENUE

13. This action arises under the United States Constitution, 42 U.S.C. § 1983, and this Court's equitable jurisdiction.

14. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343.

15. This Court is authorized to issue a declaratory judgment and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202; 42 U.S.C. § 1983; Rules 57 and 65 of the Federal Rules of Civil Procedure; and this Court's equitable jurisdiction to enjoin actions by state officials that violate the U.S. Constitution. *See Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 326–27 (2015).

16. This Court has personal jurisdiction over Defendant City of Canyon, which is a municipality located and incorporated in the State of Texas.

17. Venue in this district is proper pursuant to 28 U.S.C. § 1391(b)(1)(2) because a substantial part of the events giving rise to the claims occurred in this district.

PARTIES

18. AATAG is a 501(c)(3) nonprofit organization founded in 2019 in Amarillo, Texas.

19. Defendant City of Canyon is an incorporated city in the State of Texas and the County Seat of Randall County.

FACTUAL ALLEGATIONS

AATAG Speaks up for the Marginalized, Including the LGBTQ+ Community, in the Texas Panhandle

20. AATAG endeavors to provide a “voice for those who can’t be heard” by “speak[ing] up and speak[ing] out” for those in the Texas panhandle who have been “viewed as different,” regardless of “age, race, gender, sexual orientation, religion, or background.”⁴

Through education, advocacy, collaboration, and community support, AATAG works toward “breaking the cycle of silence, isolation, and discrimination” that impacts marginalized communities in the Texas Panhandle. Much of AATAG’s work supports transgender people⁵ and the broader LGTBQ+ community.

21. AATAG enriches the Texas Panhandle by providing wholesome and affirming events for the area community. AATAG hosts a variety of community-building activities throughout the year for people of all ages. For example, since 2021, AATAG has partnered with St. Luke Presbyterian Church in Amarillo, Texas to host an annual “Holiday Dinner” featuring “free food, fun, and games” where “all are welcome.”⁶ Since 2022, AATAG has partnered with

⁴ *Welcome to Amarillo Area Transgender Advocacy Group*, AATAGTX.ORG, <https://aatagtx.org> [<https://perma.cc/PU3Z-SBJU>].

⁵ “Transgender is an umbrella term for persons whose gender identity, gender expression or behavior does not conform to that typically associated with the sex to which they were assigned at birth.” *Understanding Transgender People, Gender Identity and Gender Expression*, AM. PSYCH. ASSOC. (June 6, 2023), <https://www.apa.org/topics/lgbtq/transgender-people-gender-identity-gender-expression> [<https://perma.cc/26D3-ZXTS>]; *see also id.* (“Gender identity refers to a person’s internal sense of being male, female or something else; gender expression refers to the way a person communicates gender identity to others through behavior, clothing, hairstyles, voice or body characteristics.”).

⁶ *AATAG Presents: 2nd Annual Holiday Dinner*, AMARILLO AREA TRANSGENDER ADVOC. GRP. (Nov. 10, 2022), <https://www.aatagtx.org/post/2nd-annual-holiday-dinner> [<https://perma.cc/RC3C-3DDG>].

St. Luke to host a popular “Halloween Trunk or Treat” in the church’s parking lot.⁷ And in 2022 and 2023, AATAG hosted well-attended celebrations of the LGBTQ+ community in Paul Lindsey Park in Canyon, Texas.

22. AATAG advocates for the social and political interests of the LGBTQ+ community in the Texas Panhandle. AATAG frequently engages with local government officials to alert them to the unique challenges faced by the local LGBTQ+ community. For example, AATAG successfully petitioned former City of Amarillo Mayor Ginger Nelson to implement sensitivity training for all city officials. AATAG also pushed the Amarillo Independent School District (“AISD”) to adopt a more inclusive suicide-prevention program and protested AISD’s ban on books that depict members of the LGBTQ+ community.

23. AATAG’s work saves lives. Through AATAG’s community-building efforts, AATAG has become a beacon of hope for many in the Texas Panhandle. AATAG’s visibility often makes it the first point of contact for members of the LGBTQ+ community in crisis. AATAG connects those members of the community with accessible mental-health resources and helps them identify support groups for their specific needs. On one occasion, AATAG even successfully coordinated with emergency responders to prevent an individual from committing suicide.

24. AATAG pays no salaries to its officers and charges no fees for its services. AATAG operates through the support of individual donations, many of which are made during AATAG’s community events.

⁷ See Caden Keenan, *Halloween 2022: Trunk or Treat Events in Amarillo*, MYHIGHPLAINS.COM (Oct. 31, 2022, 4:31 PM CDT), <https://www.myhighplains.com/news/local-news/halloween-2022-trunk-or-treat-events-in-amarillo> [<https://perma.cc/5AJQ-VFDT>].

Drag Expresses an Artistic and Political Viewpoint that Challenges Gender Stereotypes

25. AATAG's 2022 and 2023 Celebrations featured family-friendly drag performances, and AATAG planned to do the same for its 2024 Celebration.

26. Drag communicates a message about gender⁸ that would be impossible to express by any other means. Through creative, surprising, and sometimes comedic uses of gender-stereotyped clothing (e.g., flowing dresses, combat boots, sequins), cosmetics (e.g., lipstick, beards, wigs), movements (e.g., soft steps, wide stances, high kicks), and music, drag performances push audiences to critically evaluate traditional distinctions between "masculine" and "feminine."

27. Drag is an art form with deep historical roots. Performers have long "used drag to challenge social mores, free themselves from rigid expectations of gender, and build community among fellow queer and transgender individuals."⁹ In Elizabethan England, audiences of all ages delighted in bawdy, gender-bending jokes delivered by cross-dressing male actors.¹⁰ Performers dressed in drag in Harlem, New York to celebrate their LGBTQ+ identity as early as 1869.¹¹ As drag continued to develop as an art form in the United States, it became a form of expression associated with LGBTQ+ community-building and activism.¹²

⁸ The term "gender," as used in this Complaint, means the "behavioral, cultural, or psychological traits typically associated with one sex." *Gender*, MERRIAM-WEBSTER.COM DICTIONARY, <https://www.merriam-webster.com/dictionary/gender> [<https://perma.cc/8S8R-HZXY>].

⁹ Note, *Drag Queens, the First Amendment, and Expressive Harms*, 137 HARV. L. REV. 1469, 1472 (2024).

¹⁰ See, e.g., WILLIAM SHAKESPEARE, TWELFTH NIGHT act 2, sc. 2 ("By my life, this is my lady's hand! These be her very *c*'s, her *u*'s, and her *t*'s, and thus she makes her great *P*'s.").

¹¹ *Drag Queens*, *supra* note 9, at 1472.

¹² See, e.g., Steve Ramos and David Taffet, *Drag Queens Pulled Us Through, One Dollar at a Time*, DALLAS VOICE (April 25, 2014, 7:15 AM), <https://dallasvoice.com/drag-queens-pulled-through-dollar-time> [<https://perma.cc/33MV-ESEF>] (describing role of drag queens in the fight against the AIDS epidemic).

28. Drag has likewise long dazzled audiences in the Texas Panhandle. In 1936, residents of Amarillo, Texas crowded into the Paramount Theatre for the premier of “*First a Girl*,” a comedy about a “girl . . . impersonating a man who impersonates women.”¹³ Twenty years later, a “lively” show at the Amarillo Lion’s Club featured a performance by a “female impersonator.”¹⁴

29. Canyon in particular boasts a storied drag tradition. In the 1960s, a group of male West Texas A&M University football players formed the “Buffalo Follies,” a drag troupe that performed in “at least 15 Panhandle cities and towns” to “roaring, standing-room-only crowds.”¹⁵ The Buffalo Follies performed “songs, dances and skills galore,”¹⁶ wearing “ruffled petticoats and sexy black stockings.”¹⁷ The Follies’ audiences included people of all ages in venues ranging from the Lee Junior High Auditorium in Pampa, Texas to the Branding Iron Theatre at West Texas State University (now known as West Texas A&M University) in Canyon.¹⁸

¹³ *At the Theatres Paramount*, AMARILLO GLOBE NEWS, Jan. 23, 1936, at p. 5, <https://newspaperarchive.com/amarillo-globe-jan-23-1936-p-5> [<https://perma.cc/C2R3-BSU9>].

¹⁴ Patsy Dinan, *Intermission Time*, AMARILLO GLOBE NEWS, Sep. 9, 1953, at p. 18, <https://newspaperarchive.com/amarillo-globe-times-sep-09-1953-p-18> [<https://perma.cc/86Q7-RPRE>]; see also Kirsten Riley, *From Female Impersonation to Drag*, WELCOME COLLECTION (Sep. 24, 2019), <https://welcomecollection.org/articles/XPDpbxAAAItBfFd8> [<https://perma.cc/HF6A-93RT>] (explaining that the term “drag” was coined to refer to “female impersonators”).

¹⁵ Jon Low, *Buffalo Follies Smashing Hit*, CANYON NEWS, March 9, 1967, at p. 1, <https://newspaperarchive.com/canyon-news-mar-09-1967-p-1> [<https://perma.cc/GC89-PNYG>].

¹⁶ *Buffalo Follies to Open One Night Stand Friday*, PAMPA DAILY NEWS, March 30, 1967, p. 11, <https://newspaperarchive.com/pampa-daily-news-mar-30-1967-p-11> [<https://perma.cc/S4SU-TFRL>].

¹⁷ Lumarion Sumner, *Of Costumes for High-Kickers*, AMARILLO DAILY NEWS, Feb. 8, 1967, p. 7, <https://newspaperarchive.com/amarillo-daily-news-feb-08-1967-p-7> [<https://perma.cc/3N7P-3VYM>].

¹⁸ Notes 15–16, *supra*.

30. Portrayals of drag in modern popular media abound. Films such as *Mrs. Doubtfire*, *Madea's Family Reunion*, and *Tootsie* use drag to critique traditional gender roles in the family and workplace. *RuPaul's Drag Race*, a hit reality television series in which drag performers compete to win the crown of "America's Next Drag Superstar," recently aired its sixteenth season to the show's greatest ratings in over a decade.¹⁹ As host RuPaul Charles has explained, the drag queens on the show "take on identity, and it is always a social statement."²⁰

31. More recently, some activists in the United States have marked drag as a political battleground. Influential commentators have claimed that drag communicates an "explicitly political" "statement of public rebellion," which threatens "the subversion of middle-class family life."²¹ Several state and local lawmakers have attempted to ban drag performances, only for those bans to be quickly struck down as unconstitutional.²² Drag performers across the country now routinely face political violence, including bomb threats.²³

¹⁹ Katie, Campione, 'RuPaul's Drag Race' Season 16 Finale Sashays to Series' Highest-Rated Episode in 13 Years (Apr. 23, 2024, 6:45 AM), <https://deadline.com/2024/04/rupauls-drag-race-season-16-finale-ratings-mtv-1235892469> [<https://perma.cc/V6MJ-GY6L>].

²⁰ Jenna Wortham, *Is 'RuPaul's Drag Race' the Most Radical Show on TV?*, N.Y. TIMES (Jan. 24, 2018), <https://www.nytimes.com/2018/01/24/magazine/is-rupauls-drag-race-the-most-radical-show-on-tv.html> [<https://perma.cc/N6N3-V6XN>].

²¹ Christopher F. Rufo, *Drag Queen Story Hour's Radical Origins and the Subversive Sexualization of Our Kids*, FOX NEWS (Oct. 29, 2022, 9:00 AM), <https://www.foxnews.com/opinion/drag-queen-story-hours-radical-origins-subversive-sexualization-kids> [<https://perma.cc/FZ8E-LRYX>].

²² See, e.g., *Woodlands Pride, Inc. v. Paxton*, 694 F. Supp. 3d 820 (S.D. Tex. Sept. 26, 2023); *Imperial Sovereign Court v. Knudsen*, 699 F. Supp. 3d 1018 (D. Mont. 2023); *HM Fla.-ORL, LLC v. Griffin*, 679 F. Supp. 3d 1332 (M.D. Fla. 2023); *S. Utah Drag Stars v. City of St. George*, 677 F. Supp.3d 1252 (D. Utah. 2023); *Imperial Sovereign Ct. of Montana v. Knudsen*, 684 F. Supp. 3d 1095 (D. Mont. 2023).

²³ Kiara Alfonseca, *Drag Story Hours Continue to Be Targets Amid Conservative Backlash*, ABC NEWS (March 25, 2024, 5:06 PM), <https://abcnews.go.com/US/drag-story-hours-continue-targets-amid-conservative-backlash/story?id=108471808> [<https://perma.cc/Z6A4-57XG>].

32. Situated within its cultural context, “one cannot view drag without recognizing that the performer is defying gender expectations, and drag artists cannot perform without communicating a viewpoint on gender norms.”²⁴ In the current environment, drag is also inherently a form of protest and political speech that communicates messages of support and affirmation to the LGBTQ+ community.

AATAG’s Family-Friendly Drag Performances in Paul Lindsey Park Convey to Canyon Audiences that the LGBTQ+ Community Deserves Support and Inclusion

33. AATAG features family-friendly drag performances at its celebrations in the Park to communicate to Canyon audiences that the LGBTQ+ community deserves the same respect as other Texans. The drag performances at AATAG’s celebrations draw on drag’s rich social and cultural tradition to express support for the LGBTQ+ community and defiance to anti-LGBTQ+ bigotry. AATAG’s family-friendly drag performances also showcase the diversity of gender expression and encourage members of the LGBTQ+ community to take pride in their identities. As an emcee at one of AATAG’s celebrations in Canyon aptly explained, drag performances allow the LGBTQ+ community to play with confining gender stereotypes in order to break free of those stereotypes and become more happy and fulfilled.

34. AATAG’s celebrations at the Park, including its family-friendly drag performances, are acts of political resistance. AATAG hosted the 2022 Celebration in response to a meeting of the Canyon School Board where certain individuals spewed hateful, anti-LGBTQ+ rhetoric.²⁵ At that meeting, some Canyon residents pushed the school board to

²⁴ Brett V. Ries, *Don’t Be a Drag: How Drag Bans Can Violate the First Amendment*, 33 TULANE J. L. & SEXUALITY (forthcoming 2023–2024) (manuscript at 8), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4439554 [<https://perma.cc/JTP3-3CSJ>].

²⁵ Michael Cuvillo, ‘Celebration of the Queer Kind’ Celebrates Inclusion at Canyon Event, AMARILLO GLOBE NEWS (April 19, 2022, 4:42 PM CT),

eliminate the district's suicide-prevention program for teens because it included a depiction of a transgender student.²⁶ Public comments at the meeting suggested that the program "groom[ed] students into that [sic] LGBTQ."²⁷ After receiving an "outpouring" of concern from community members harmed by those comments, and recognizing that LGBTQ+ youth face an outsized risk of suicide and self-harm, AATAG decided to host the 2022 Celebration "to let the kids know that they are not alone."²⁸ AATAG continued that tradition with its 2023 Celebration, and intended to do the same with the 2024 Celebration.

35. AATAG's celebrations at the Park are open to everyone and suitable for all ages. AATAG extends an open, public invitation to its celebrations, and ensures that festivities are inclusive and wholesome. AATAG directs performers at AATAG's drag shows in the Park to tailor their performances for an all-ages audience. The drag performers always remain clothed and their PG-rated performances never include any content that is even remotely obscene.

36. Hosting the celebrations at Paul Lindsey Park in Canyon is crucial for AATAG to reach its intended audience. AATAG's celebrations express public support for inclusivity to the people of Canyon, the community directly affected by the anti-LGBTQ+ comments at the 2022

<https://www.amarillo.com/story/news/2022/04/19/canyon-celebration-queer-kind-commemorates-inclusion/7372201001> [<https://perma.cc/2ZY3-F5TH>].

²⁶ Brianna Maestas, *Canyon ISD Board Hears from Community, Moves to Keep Mental Health Program*, AMARILLO GLOBE NEWS (March 11, 2022, 4:29 PM CT), <https://www.amarillo.com/story/news/2022/03/11/cisd-board-listens-community-and-keeps-mental-health-program/7000295001> [<https://perma.cc/Q93V-6P7W>].

²⁷ *Id.*

²⁸ Michael Cuvillo, *'Celebration of the Queer Kind' Celebrates Inclusion at Canyon Event*, AMARILLO GLOBE NEWS (April 19, 2022, 4:42 PM CT), <https://www.amarillo.com/story/news/2022/04/19/canyon-celebration-queer-kind-commemorates-inclusion/7372201001> [<https://perma.cc/2ZY3-F5TH>].

Canyon School Board meeting. The Park provides a low-cost, large, and publicly accessible venue in Canyon with parking, electricity, a covered pavilion, and other facilities necessary for AATAG's celebration festivities. AATAG is a charitable organization, and paying for a private venue with comparable features would significantly impact the group's limited financial resources. Hosting events in the Park allows AATAG to keep its celebrations of the LGBTQ+ community free and easily accessible to all in Canyon such that all community members who wish to attend may do so. Moreover, no single private venue in Canyon offers all the amenities of the Park. Access to the Park has thus been crucial for the success of AATAG's celebrations in Canyon.

The City Operates and Regulates Events at Paul Lindsey Park, Which Is a Traditional Public Forum

37. Paul Lindsey Park, a public park located at 1501 28th Street in Canyon, Texas, has served as a public square and community gathering place for decades. The Park spans several acres and includes walking trails, fishing ponds, a sports complex, and a pavilion and other facilities for hosting events. The Park serves as a venue for a wide variety of events and activities throughout the year, including sports tournaments, farmers markets, parades, movies, concerts, fundraisers, street parties, community gardening, and the annual Independence Day fireworks show.²⁹

38. The City of Canyon provides the following picture of the Park on its website:

²⁹ Tim Ritter, *Canyon Prepares for "Rockin" Fourth of July*, CANYON NEWS (June 30, 2023), <https://www.myplainview.com/canyon/article/canyon-prepares-for-rockin-fourth-of-july-parade-starts-at-10-a-m-19534613.php> [<https://perma.cc/WD34-8X24>].



39. To hold a public event at the Park, the event host must first obtain a “Special Event Permit” from the City. The City’s website states that a Special Event Permit is required for any event that is “open to the general public,” could “interfere with normal operation of streets, parking lots, parks, or public space[s],” or requires access to “electricity, water, or restroom facilities.”³⁰ The City defines “Special Event” as a “preplanned, single gathering event or series of related gatherings of people or attractions for a common purpose, including but not limited to, street fairs, arts and crafts shows, carnivals, circuses, rallies, public entertainments, or other similar events.” See CANYON, TEX. CODE OF ORDINANCES § 8.06.001.

40. To obtain a Special Event Permit, the applicant must complete the Special Community Event Permit Application form (“Application Form”) and pay a twenty-five dollar

³⁰ *Special Event Permits*, CITY OF CANYON, TEXAS, <https://www.canyontx.gov/431/Special-Event-Permits> [<https://perma.cc/EB5J-C5M6>].

application fee. The Application Form provides fields for the applicant to indicate the date, time, location, expected number of attendees, and other information. The Application Form also provides a field for the applicant to “describe in detail the activities planned.”

41. The Canyon Chief of Police, Steve Brush, has the authority and responsibility to grant or deny applications for Special Event Permits. *See* CANYON, TEX. CODE OF ORDINANCES §§ 8.06.005–008.

42. The Canyon City Manager, Joseph Price, has the authority and responsibility to, upon timely request, review and either affirm or reverse Chief Brush’s denial of an Application Form. *Id.* § 8.06.008.

43. As City Manager Price has acknowledged, the City is not empowered to review “the essence of the event type or the nature of the event” when an Application Form is submitted. Price has explained that the City reviews applications for “completeness” and conformity with local, state, and federal law. *See* Ex. B (Email from Joseph Price to Katie Winter (Mar. 31, 2023)) at 3. City of Canyon ordinances mandate that “no event permit shall be denied nor shall the applicant be given less favorable consideration as to time, manner, or place based upon . . . gender . . . sexual orientation, transgender, gender identity or gender expression, or political affiliation of the applicant and/or the participants of the event.” *See* CANYON, TEX. CODE OF ORDINANCES § 8.06.007(c)(1). The same ordinance further prohibits a denial based on “[t]he message of the event, [] the identity or associational relationships of the applicant and/or participants, or [a]ny assumption or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the event.” *Id.* §§ 8.06.007(c)(2)–(3).

44. Anyone who hosts a non-permitted Special Event at the Park is subject to penalties. City of Canyon ordinances make it “unlawful” to “hold” a Special Event without first having obtained an event permit from the City. *See* CANYON, TEX. CODE OF ORDINANCES § 8.06.002. Violation of the City’s event-permit ordinance is punishable by fines of up to \$500. *See id.* § 1.01.009(a).

AATAG Hosts a Successful Event in Paul Lindsey Park in 2022

45. AATAG hosted the 2022 Celebration on April 16, 2022.

46. AATAG applied for and received a Special Event Permit to host the 2022 Celebration at the Park. AATAG submitted its completed Special Event Permit application on March 18, 2022. In the event-description field of the Application Form, AATAG wrote “speakers, booths, food trucks, easter egg hunt.” *See* Ex. C (Special Community Event Application (March 18, 2022)) at 2. The application was reviewed and approved by the Police Department, Fire Department, Public Works Department, Parks Department, and City Manager Price. Chief Brush issued a permit for the 2022 Celebration on March 29, 2022.

47. From the morning to afternoon, the 2022 Celebration featured an egg hunt for kids, a silent auction, food trucks, vendor booths, and speeches. The Amarillo Health Department offered free vaccines and first aid for attendees.

48. In the early evening, the 2022 Celebration featured drag performances by locally acclaimed drag queens and drag kings. The drag performers wore colorful, stylized outfits while lip-syncing and dancing to pop songs. Attendee parents and children took photos with the performers. The *Amarillo Globe News* described the 2022 Celebration as “family friendly.”³¹

³¹ Michael Cuvillo, ‘Celebration of the Queer Kind’ Celebrates Inclusion at Canyon Event, AMARILLO GLOBE NEWS (April 19, 2022, 4:42 PM CT),

All performers' genitals, breasts, and buttocks were covered, as exemplified by the following picture taken by an attendee:



49. Attendees understood the message of the 2022 Celebration was “to show support for inclusivity.”³² Attendees also told AATAG that the 2022 Celebration empowered them to accept their bodies, no matter their shape.

50. A handful of anti-LGBTQ+ protestors tried to interrupt the 2022 Celebration by harassing organizers and attendees. Before the event, protestors attempted to block AATAG’s access to facilities at the Park.³³ To deescalate the conflict and promote AATAG’s message of inclusivity, AATAG invited the protestors to rent a booth at the event. The protestors did so, distributing Bibles and offering to pray over attendees. However, when the drag queens and

<https://www.amarillo.com/story/news/2022/04/19/canyon-celebration-queer-kind-commemorates-inclusion/7372201001> [<https://perma.cc/2ZY3-F5TH>].

³² *Id.*

³³ *Id.*

kings began their performances, the protestors blasted siren noises from loudspeakers to drown out the performers' music.³⁴ Because the protestors were interfering with AATAG's message and attendees' enjoyment of the performances, AATAG asked them to leave. When the protestors refused, AATAG called on the Canyon Police Department to intervene. Officers persuaded the protestors to stop interrupting the performances. There were no further incidents at the 2022 Celebration.

51. AATAG received no reports from attendees, police, or even protestors at the 2022 Celebration that the drag performances were lewd or obscene. The "main issue" for protestors, as one protestor explained to a reporter, "was men or women dressing as the opposite sex."³⁵ After the 2022 Celebration, Chief Brush advised AATAG to hire off-duty officers to avoid harassment from protestors at future celebrations.

AATAG Applies for an Event Permit in 2023, and City of Canyon Officials Receive Complaints from Anti-LGBTQ+ Activists

52. Based on the success of the 2022 Celebration, and at the request of Canyon community members, AATAG hosted the 2023 Celebration on April 1, 2023. AATAG promoted the 2023 Celebration as the "Second Annual Visible Revolution Celebration."

53. Like the year before, AATAG applied for a Special Event Permit well in advance of the 2023 Celebration. AATAG submitted its completed Application Form on February 27, 2023. In the event-description field of the Application Form, AATAG wrote "performances, egg hunt, booths, speakers, food trucks." See Ex. D (Special Community Event Application (Feb. 27, 2023)) at 2.

³⁴ *Id.*

³⁵ *Id.*

54. In the weeks leading up to the 2023 Celebration, the City Commission and other City officials received pressure from anti-LGBTQ+ activists who opposed the event.

55. For example, on March 24, 2023, Mayor Gary Hinders received an email from an individual named Jan Whaley, who wrote:

It has come to my attention that a perverse drag show is scheduled to be in the Canyon park. . . . This is absolutely disgusting, as well as being an abomination to God. . . . We who live in this community do not want anything aligned with the LGBTQ agenda. . . . I urge you to put a stop to this outrageous display of vulgarity.

See Ex. E (Email from Jan Whaley to Mayor Hinders (Mar. 24, 2023)) at 2. Mayor Hinders forwarded the email to City Manager Joseph Price, adding, “I am getting a lot of comments on this today. Several irate phone calls.” *Id.*

56. On March 27, 2023, City Manager Price received an email from an individual named David Harrison, who wrote: “The gender confused group, AATAG[,] plans to target/sexualize children, denigrate/ objectify women, attacking the Family by hosting a drag show easter egg hunt April 1st at Paul Lindsey Park” Price forwarded Harrison’s email to the City Attorney the same day. *See* Ex. F (Email from Joseph Price to Chuck Hester (Mar. 27, 2023)) at 2.

57. Also on March 27, 2023, Mayor Hinders and other City Commissioners received an email from Katy Winter, who wrote: “Can someone please tell me how and why a drag show in our parks is being allowed . . . [?]” *See* Ex. B at 4. Hinders forwarded the email to City Manager Price the same day. *Id.*

58. On March 29, Price replied to Winter:

We have received several inquiries and concerns about this event. The City of Canyon reviewed the permit for completeness and that it meets our local regulations. We also make sure that the permit conforms to State and Federal Law. [. . .] The City does not review permits on the essence of the

event type or the nature of the event. If the event meets the set forth criteria, then it gets approved. [. . .]

At the present time, we do not find any legal reason to disallow the event that you have referenced. We are in direct communication with our City Attorney on the matter, as well as reaching out to the District Attorney and possibly the Attorney General to seek their legal opinion.

Additionally, we have spoken with several State Legislators on the matter. As you know, a City's authority is granted by the Texas State Legislature and we cannot operate outside the confines of that authority.

Id.

59. On March 30, Price received a response from Winter, who wrote:

Are y'all going to explain to my kids and everyone else's kids who will be playing or watching baseball Saturday afternoon, what is going on over at that park?! Have you no morals?! You're ok with helping steal the innocence of children by enticing them over there since they're having an egg hunt and it will be very appealing.

Id.

60. On March 31, Price replied to Winter: "[I]f you know of a 'law' that this would fall under allowing the City to prohibit this objectionable content[,] please bring that to our attention." *Id.* at 1–2.

61. AATAG hosted the 2023 Celebration as planned on April 1, 2023.

62. The 2023 Celebration, like the 2022 Celebration, was AATAG's "way of saying that there are people there . . . to support others who may be having issues or are afraid to come out."³⁶

63. Following Chief Brush's advice, AATAG hired two off-duty police officers to provide security for the 2023 Celebration.

³⁶ Michael Coviello, *Group Holds 2nd Annual Visible Revolution Celebration to Support Trans People, Community*, AMARILLO GLOBE NEWS (April 3, 2023, 6:02 AM), <https://www.amarillo.com/story/news/2023/04/03/amarillo-group-holds-visible-revolution-celebration-in-canyon/70072952007> [<https://perma.cc/YQX2-S7AG>].

64. Like the 2022 Celebration, the morning and early afternoon of the 2023 Celebration featured an egg hunt, food trucks, and vendors. Twenty-two organizations rented booths at the event, including Narcotics Anonymous, Panhandle Breast Health, the Amarillo Public Library, and the Amarillo Health Department (which again provided free first aid and vaccinations). The 2023 Celebration also featured a live band. AATAG raised over \$2,200 from donations and vendor fees at the 2023 Celebration.

65. Also like the 2022 Celebration, the 2023 Celebration featured musical performances by locally acclaimed drag queens and drag kings in the early evening. Drag performers lip-synced and danced to songs including *Believe* by Cher and *I'm Coming Out* by Diana Ross.

66. Between drag performers' sets, children volunteered to share jokes with the crowd, as captured by this image from a video recording of the 2023 Celebration:



67. Drag performers expressed messages of affirmation, support, and inclusion for those feeling marginalized in the current political climate in Canyon. One performer told the audience, “there’s nothing wrong with us, we are born this way” and described the “joy and the beauty and the experiences of being queer that don’t often get talked about.” Performers also criticized the president of a local university for banning a drag performance on campus.

68. All performers at the 2023 Celebration were fully clothed, and their genitals, breasts, and buttocks covered. The following photograph, taken by an attendee, shows one of the performers:



69. Unlike the 2022 Celebration, the 2023 Celebration was not interrupted by protestors. One protestor stood at the edge the Park, but did not interfere with the festivities.

70. AATAG received no reports from attendees or police at the 2023 Celebration that the drag performances were lewd or obscene. The *Amarillo Globe News* reported that “families enjoyed the festivities.”³⁷ The off-duty police officers told AATAG that they would be happy to provide security for future events.

71. Canyon police officers made no arrests and issued no citations or warnings in connection with the 2023 Celebration.

The City Prohibits AATAG from Holding a 2024 Event

72. AATAG planned to host the 2024 Celebration on March 31, 2024. AATAG intended the 2024 Celebration to feature similar activities as its previous events in Canyon—an

³⁷ *Id.*

egg hunt, vendors, and family-friendly drag performances—and to communicate the same message: Canyon’s LGBTQ+ community deserves support and inclusion.

73. AATAG submitted a completed Application Form for a Special Event Permit on February 5, 2024. In the “description” field of the Application Form, AATAG wrote “egg hunt, drag show, vendors.” *See* Ex. G (Special Community Event Application (Feb. 5, 2024)) at 2. A few days after submitting the application, AATAG contacted the City to inquire about the status of the application. A City official informed AATAG that the application had been reviewed and approved by every required City department and was awaiting City Manager Price’s review.

74. On February 14, 2024, City Manager Price and Chief Brush sent a letter to AATAG denying the permit application for the 2024 Celebration (“Denial Letter”). The Denial Letter stated:

At the direction of the City Commission, City Staff has reviewed last year’s drag show event conducted by the group identified in the application and finds, based upon interviews with law enforcement officers who witnessed the event, that there are clear public safety issues related to the event and that lewd behavior occurred during the event which violates contemporary community standards in Canyon as defined in Texas Penal Code subchapter B of Chapter 43.

See Ex. A.

75. Before the Denial Letter, AATAG had never received any communication from City of Canyon officials concerning “lewd behavior” or “public safety issues” at the 2022 or 2023 Celebrations.

76. On or about February 14, 2024, AATAG Public Relations Officer Teresa Burnett called and left a voicemail for City Manager Price asking for information about why the permit application for the 2024 Celebration had been denied. AATAG President Sam Burnett called and left additional voicemails for Price again over the next several days. Price did not return AATAG’s calls or otherwise contact AATAG until February 22, 2024.

77. On February 22, City Manager Price contacted AATAG President Sam Burnett by telephone and stated he would not answer any questions about the City's decision to deny AATAG's permit application. Price instructed Burnett to direct any further questions to the City Attorney.

78. The Denial Letter marked the first time the City had denied an event permit application in at least three years.

79. Despite AATAG's repeated requests, the City has been unwilling to reconsider its outright denial of AATAG's permit application. City officials have flatly refused to consider whether there are terms by which the City would grant an event permit to AATAG, confirming that the Denial Letter effectively serves as a permanent, blanket ban on *any* future AATAG events in *any* public forum in Canyon, indefinitely.

80. The Denial Letter prevented AATAG from holding the 2024 Celebration in Canyon. To mitigate the harm caused by the Denial Letter, AATAG hosted a substitute event at a private venue in Amarillo, Texas, on March 30, 2024, which included an egg hunt, vendors, and a family-friendly drag show ("Substitute Event").

81. Although the Substitute Event enabled AATAG to express a semblance of its message that the LGBTQ+ community deserves support and inclusion, the Denial Letter prevented AATAG from communicating that message to the full audience that AATAG intended to reach. The private event venue where the Substitute Event was held limited AATAG's artistic freedom and freedom of speech because it was much smaller than the Park, and the venue was indoors rather than outdoors. Some members of the Canyon community who would have attended the 2024 Celebration at the Park were unable to attend the Substitute Event because of the distance between Canyon and Amarillo.

INJURIES TO PLAINTIFFS

82. Plaintiffs reallege and reincorporate paragraphs 1–81 as though fully set forth herein.

The City of Canyon Caused Irreparable Harm by Preventing AATAG from Communicating Its Intended Message to Its Intended Audience

83. The City of Canyon deprived AATAG of its First Amendment right to engage in political and artistic speech through the 2024 Celebration. AATAG did not host the 2024 Celebration in the Park because AATAG feared that hosting the Celebration without a Special Event Permit would subject AATAG, its officers, and performers to penalties. Moreover, AATAG could not host the 2024 Celebration in the Park without a Special Event Permit because, without a permit, AATAG could not reserve necessary event facilities at the Park.

84. Although AATAG was able to communicate a semblance of its message through the Substitute Event, the City's actions prevented AATAG from expressing that message as AATAG intended. Hosting the 2024 Celebration in the Park was crucial to AATAG's message, because AATAG's annual celebrations are acts of resistance to anti-LGBTQ+ bigotry *in Canyon*. Being forced to host the Substitute Event in Amarillo robbed AATAG of the important opportunity to express its message to a community harmed by anti-LGBTQ+ bigotry from a public space within that community.

85. The City's actions prevented AATAG from reaching its intended audience. AATAG hosts its celebrations in the Park because it wants to communicate its message *to the people of Canyon*. By preventing AATAG from holding the 2024 Celebration in Canyon, the City prevented AATAG from communicating its message to its target audience. Fewer people attended the Substitute Event in Amarillo than would have attended the 2024 Celebration in the Park. Many individuals expressed to AATAG that they could not attend the Substitute Event,

either because the location was too far away from Canyon, or because the City's actions made them afraid there would be retribution or protest at the Substitute Event.

The City's Actions Caused AATAG Financial Harm

86. Because the City denied AATAG's event permit, AATAG incurred significant expenses making last-minute arrangements to host the Substitute Event. AATAG officers were required to expend time finding an alternative venue, arranging the necessary facilities, and communicating with vendors, performers, and attendees. AATAG would not have incurred these additional costs but for the City's denial of its permit application.

87. Fewer vendors purchased booths at the Substitute Event in Amarillo than were expected at the Celebration in the Park in Canyon.

88. Because of lower attendance and fewer vendors at the Substitute Event, AATAG was only able to raise a fraction of the fundraising total it had raised in years past.

The City's Actions Caused AATAG Reputational Harm

89. The City's Denial Letter inflicted reputational harms on AATAG by signaling that LGBTQ+ political and artistic expression is not welcome in Canyon.

90. The Denial Letter also inflicted reputational harm by baselessly alleging that AATAG's previous events violated Texas' criminal laws, subjecting AATAG to embarrassment and harming its relationship with community members.

The City's Actions Are Causing AATAG Ongoing, Irreparable Harm by Prohibiting AATAG from Holding Additional Events in Canyon

91. By outright denying AATAG's event permit application and refusing to consider granting a permit on any terms, the City has effectively permanently barred AATAG from engaging in *any* First-Amendment-protected events within Canyon's public spaces.

92. AATAG wants to host an event in Canyon as soon as possible to communicate a message of support and inclusion using, among other expressive activities, family-friendly performances by drag queens and drag kings. The City's Denial Letter and policy to refuse permits to AATAG prevents AATAG from hosting or planning such an event.

FIRST CAUSE OF ACTION

First Amendment Violation (42 U.S.C. § 1983) Content- and Viewpoint-Based Discrimination in a Public Forum

93. AATAG realleges and reincorporates paragraphs 1–92 as though fully set forth herein.

94. The City imposed a policy of denying AATAG a Special Event Permit for its planned 2024 Transgender Day of Visibility Celebration and a policy of denying all of AATAG's future event permit applications based on the content and viewpoint of AATAG's expression and in retaliation for AATAG exercising its free speech rights at the 2023 Celebration.

95. The 2024 Celebration, which AATAG sought to hold in the Park, would have featured a gathering of the local LGBTQ+ community to engage in expression protected by the First Amendment. Among other protected speech, AATAG planned to host a family-friendly drag show at the 2024 Celebration, which would have “mixe[d] speech,” such as “the acting out—or singing out—of the written word,” as well as dancing and “live action or conduct.” *See Se. Promotions, Ltd. v. Conrad*, 420 U.S. 546, 557–58 (1975). AATAG's planned family-friendly drag show falls squarely within the First Amendment's protective scope in the same way theatre and live entertainment, *Schad v. Borough of Mount Ephraim*, 452 U.S. 61, 65 (1981), music, *Ward v. Rock Against Racism*, 491 U.S. 781, 790 (1989), and movies do, *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495, 501–02 (1952). The 2024 Celebration would also have featured

political speech by performers and local community leaders about issues pertaining to the LGBTQ+ community.

96. The Park is a public forum. As a public park, the Park is a “quintessential public forum . . . held in trust for the use of the public, and, time out of mind, ha[s] been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions.” *Perry Educ. Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37, 45 (1983). The Park is also a public forum because the City has opened the Park for expressive activity by the public.

97. Municipalities cannot censor or restrict speech based on its content, its message, *R.A.V. v. City of St. Paul*, 505 U.S. 377, 395 (1992), the viewpoint expressed, *Matal v. Tam*, 582 U.S. 218, 243–44 (2017), or the identity of the speaker, *Turner Broad. System, Inc. v. F.C.C.*, 512 U.S. 622, 657–58 (1994), unless such restriction is “necessary to serve a compelling state interest and . . . narrowly drawn to achieve that end,” *Widmar v. Vincent*, 454 U.S. 263, 267–70 (1981).

98. The City imposed a content-based restriction by “singl[ing] out specific subject matter”—AATAG’s family-friendly drag shows—for “differential treatment.” *See Reed v. Town of Gilbert*, 576 U.S. 155, 156 (2015). As explained above, AATAG’s family-friendly drag shows convey messages of inclusion, support, and protest through performances and speeches that challenge gender stereotypes. By its own admission, the City denied AATAG’s Special Event Permit application based on the content of prior drag shows hosted by AATAG in Canyon. *See Ex. A* (denying event permit based on “review[.]” of AATAG’s previous “drag show event”). In so doing, the City restricted AATAG’s speech based on the “topic discussed,” *City of Austin v. Reagan Nat’l Advert.*, 596 U.S. 61, 69 (2022), which is “about as content based as it gets.”

Barr v. Am. Ass’n of Pol. Consultants, 591 U.S. 610, 619 (2020). Indeed, only when AATAG explicitly referenced “drag show” in the permit application was its application denied. *See* Ex. G at 2. The prior two years, when AATAG sought permits for the same annual event in the Park but did not include the phrase “drag show” in the application, its applications were approved. *See* Exs. C, D.

99. The City imposed a viewpoint-based restriction by denying AATAG’s Special Event Permit application based on the “motivating ideology,” “opinion,” and “perspective” of AATAG’s family-friendly drag shows. *See Rosenberger v. Rector and Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995). AATAG’s family-friendly drag performances express the viewpoint that the LGBTQ+ community deserves support and inclusion, that traditional gender stereotypes can be confining, and that people who do not conform to those stereotypes are not alone. The City’s communications show that it considered that viewpoint “objectionable.” *See* Ex. C at 1–2. But “[g]iving offense is a viewpoint,” and the First Amendment dictates that “the public expression of ideas may not be prohibited merely because the ideas are themselves offensive to some of their hearers.” *Matal v. Tam*, 582 U.S. 218, 243–44 (2017). The City justified the event-permit denial by claiming that “lewd behavior” occurred at previous events that “violate[d] contemporary community standards.” *See* Ex. A. Such restrictions, based on preventing supposedly “immoral or scandalous” speech, are blatant viewpoint discrimination. *Matal*, 582 U.S. at 243–44; *Iancu v. Brunetti*, 588 U.S. 388, 397 (2019).

100. No compelling state interest justified the City’s denial of AATAG’s Special Event Permit. Although the City asserted vague concerns about “public safety” and “lewd behavior,” *see* Ex. A, AATAG’s previous events in the Park presented no such issues, nor has the City provided any clarification on these unfounded accusations despite AATAG’s repeated requests.

101. Even if the City could identify a compelling state interest, its denial of AATAG's event-permit application is overbroad. The City issued a blanket denial of AATAG's event-permit application, without making any effort to explore a less-restrictive alternative, and has effectively barred AATAG from hosting *any* event in Canyon, indefinitely, without justification. The City's outright refusal to consider granting an event permit to AATAG is chilling and will continue to chill AATAG's ability to organize similar events in Canyon that celebrate the LGBTQ+ community and convey social or political messages that the City believes are "objectionable."

102. Pursuant to 42 U.S.C. § 1983, municipalities are liable for constitutional violations inflicted by an official policy, or by individuals "whose edicts or acts may fairly be said to represent official policy." *Monell v. Dep't of Soc. Servs. of City of the New York*, 436 U.S. 658, 694 (1978). The City Commission is the governing body of Canyon. By ordinance, the City delegates to the Chief of Police and City Manager the power to make final decisions with regard to Special Event Permits. *See* CANYON, TEX. CODE OF ORDINANCES §§ 8.06.005–008. As a result, decisions on event permit applications by the Chief of Police and City Manager may fairly be said to represent the City's official policy, and the City is liable for the Chief of Police and City Manager's unconstitutional refusal to grant AATAG a Special Event Permit.

103. City officials with final policymaking authority undertook the conduct alleged above in official capacities acting under color of state law.

104. As alleged above, the City's official policies restrict and chill AATAG's constitutionally protected expression based on its content, its message, its speaker, and its viewpoint, without a compelling state interest, thereby depriving AATAG of its rights to

freedom of speech, freedom of expression, and freedom of association under the First Amendment of the United States Constitution.

105. Absent injunctive and declaratory relief, the City’s policy of denying event permits to AATAG will cause irreparable and ongoing harm to AATAG’s First Amendment rights.

SECOND CAUSE OF ACTION

First Amendment Violation (42 U.S.C. § 1983) Prior Restraint

106. AATAG realleges and reincorporate paragraphs 1–105 as though fully set forth herein.

107. Government officials acting under color of law cannot impose prior restraints on speech without providing “procedural safeguards designed to obviate dangers of a censorship system.” *Se. Promotions, Ltd. v. Conrad*, 420 U.S. 546, 558 (1975) (quoting *Freedman v. Maryland*, 380 U.S. 51, 58 (1965)).

108. The City imposed a prior restraint on AATAG’s constitutionally protected expression by banning the 2024 Celebration. The City prohibited AATAG’s 2024 Celebration before it occurred by denying AATAG’s application for a Special Event Permit. The City engaged in “the appraisal of facts, the exercise of judgment, and the formation of an opinion” when assessing AATAG’s application for a Special Event Permit. *Se. Promotions, Ltd. v. Conrad*, 420 U.S. 546, 554 (1975). The City “denied [AATAG’s] application in anticipation that the [Transgender Day of Visibility Celebration] would violate the law.” *Id.* at 555. The City did not prove in a judicial proceeding that the 2024 Celebration was not protected by the First Amendment. The City did not provide any avenue for AATAG to obtain a final judicial determination as to AATAG’s application for a Special Event Permit.

109. The City's above-alleged actions also imposed prior restraints on AATAG's protected expression by effectively prohibiting AATAG from hosting *any* event in Canyon, indefinitely.

110. The City unconstitutionally imposed its policy of prohibiting the issuance of an event permit to AATAG based on AATAG's pro-LGBTQ+ messaging and inclusion of a family-friendly drag performance at its 2023 Celebration.

111. City officials with final policymaking authority undertook the conduct alleged above in official capacities acting under color of state law.

112. As alleged above, The City's official policy actions imposed a prior restraint on AATAG's constitutionally protected expression without providing requisite procedural safeguards, thereby depriving AATAG of its rights to freedom of speech, freedom of expression, and freedom of association under the First Amendment of the United States Constitution.

113. Absent injunctive and declaratory relief, the City's policy of denying event permits to AATAG will cause irreparable and ongoing harm to AATAG's First Amendment rights.

///

///

///

///

///

///

///

PRAYER FOR RELIEF

WHEREFORE, AATAG respectfully prays that the Court:

1. Declare the City's denial of AATAG's 2024 Special Event Permit application unconstitutional under the First Amendment;
2. Declare the City's threat to deny all future Special Event Permit applications submitted by AATAG unconstitutional under the First Amendment;
3. Preliminarily and permanently enjoin the City from denying AATAG's 2024 Special Event Permit application and order the City to issue a Special Event Permit to AATAG for an event on a date to be agreed upon by the parties;
4. Preliminarily and permanently enjoin the City's policy of denying all future Special Event Permit applications submitted by AATAG;
5. Award AATAG damages in an amount to be proven at trial;
6. Award AATAG nominal damages;
7. Award AATAG its costs and expenses, including reasonable attorney's fees, pursuant to 42 U.S.C. § 1988 or other applicable statutes; and
8. Grant AATAG such other and further relief as the Court deems just and proper.

///

///

///

///

///

///

DEMAND FOR JURY TRIAL

AATAG hereby demands a trial by jury on all issues so triable.

DATED: September 11, 2024

Respectfully submitted,

/s/ Ryan P. Brown

Ryan Patrick Brown (Texas Bar No. 24073967)

RYAN BROWN P.L.L.C.

1222 S. Fillmore

Amarillo, Texas 79101

Telephone: (806) 372-5711

info@ryanbrownattorneyatlaw.com

Jennifer L. Bryant (California Bar No. 293371)*

MUNGER, TOLLES & OLSON LLP

350 South Grand Avenue

Los Angeles, California 90071

Telephone: (213) 683-9100

Fax: (213) 687-3702

Jennifer.Bryant@mto.com

Roman Leal (California Bar No. 348892)*

Aditi Ghatlia (California Bar No. 347260)*

MUNGER, TOLLES & OLSON LLP

560 Mission Street, Twenty-Seventh Floor

San Francisco, California 94105-2907

Telephone: (415) 512-4000

Fax: (415) 512-4077

Roman.Leal@mto.com

Aditi.Ghatlia@mto.com

Attorneys for Plaintiff

**Application for admission pro hac vice
forthcoming*